



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,962	08/25/2003	Wei Zhao	9400-44	3021
39072	7590	09/17/2007		
MYERS BIGEL SIBLEY & SAJOVEC, P.A.			EXAMINER	
P.O. BOX 37428			CHO, UN C	
RALEIGH, NC 27627			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			09/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/646,962

Applicant(s)

ZHAO ET AL.

Examiner

Un C. Cho

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 5, 9 and 11 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over H. Grey (US 2004/0203873 A1) in view of Eriksson et al. (US 20020059453 A1).

Regarding claim 1, Grey discloses receiving a mobile user request for a location of a wireless network access point via a user terminal (Grey: Page 4, Paragraph 0035, lines 1 – 7 whereas the user requests position and/or direction to one or more nearby WLAN access points so that the user can have access to the Internet); identifying a geographic location of the mobile user responsive to receiving the user request (Grey: Page 4, Paragraph 0036, lines 1 – 8); and identifying a wireless network access point convenient to the user (Grey: Page 4, Paragraph 0035, lines 1 – 7 and Paragraph 0037, lines 1 – 22).

However, Grey as applied above does not specifically disclose wherein the user request comprises one or more amenities including one or more of a hotel, a restaurant, a store, a park and an airport; and identifying a wireless network access point convenient to the user that provides access to the one or more amenities. In an analogous art, Eriksson remedies the deficiencies of Grey

by disclosing such limitation wherein the user of the communication device sends a request, i.e. access point at the airport, to the network indicating the position the communication device will have at the airport then the network retrieves the requested information and provides to the communication device accordingly (Eriksson: Page 5, Paragraph 0040, lines 1 – 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Eriksson to the system of Grey in order to provide an efficient method and system capable of locating at least one optimal access area or point for supporting one or more access technologies requested by the user, wherein the determination is based in part on the location of the device, the specified user preferences, service/application requirements and the capabilities of available network connections.

Regarding claim 2, Grey in view of Eriksson as applied above discloses communicating the identified wireless network access point to the user (Grey: Page 4, Paragraph 0038, line 1 through Paragraph 0039, line 7).

Regarding claim 3, Grey in view of Eriksson as applied above discloses locating a wireless communication signal from the user terminal (Grey: Page 4, Paragraph 0036, lines 1 – 8).

Regarding claim 4, Grey in view of Eriksson as applied above discloses comparing the geographic location of the user to known locations of a plurality of access points (Grey: Page 4, Paragraph 0037, lines 1 – 22).

Regarding claim 5, Grey in view of Eriksson as applied above discloses calculating a travel time between the user location and each of the plurality of wireless network access points (finding the nearest WLAN access point to the user, whereas in order to find the nearest the system must inherently calculate a travel time between the user location and each of the plurality of wireless network access points); and selecting one of the plurality of wireless network access points having the shortest travel time (Grey: Page 4, Paragraph 0037 line 1 through Paragraph 0038, line 9).

Regarding claim 9, Grey in view of Eriksson as applied above discloses wherein the amenities include a type of facility and/or service available in the vicinity of the wireless network access point (Eriksson: Page 5, Paragraph 0040, lines 1 – 13 and Abstract).

Regarding claim 11, Grey in view of Eriksson as applied above discloses communicating directions from the user location to the selected wireless network access point (Grey: Page 4, Paragraph 0038, lines 1 – 9).

Regarding claim 12, Grey in view of Eriksson as applied above discloses communicating information concerning services to the user terminal (nearby WLAN access points position and/or direction is provided to the user; Grey: Page 4, Paragraph 0035, lines 1 – 7).

Regarding claim 13, Grey in view of Eriksson as applied above discloses wherein the wireless network is a broadband wireless network (Grey: Page 3, Paragraph 0033, lines 1 – 24).

Regarding claim 14, Grey in view of Eriksson as applied above discloses wherein the broadband wireless network is a WiFi network (802.11 is the standard for WiFi network; Grey: Page 3, Paragraph 0033, lines 1 – 24).

Regarding claim 15, Grey in view of Eriksson as applied above discloses wherein the user terminal is a mobile communications device (Grey: Page 2, Paragraph 0021, line 1 through Paragraph 0022, line 17).

Regarding claim 16, Grey in view of Eriksson as applied above discloses wherein the user terminal is a computer processor terminal (Grey: Fig. 6, element 18 represents the mobile appliance having a processor (Fig. 6, element 180)).

Regarding claims 17 and 20, the claims are interpreted and rejected for the same reason as set forth in claim 1.

Regarding claims 18 and 21, the claims are interpreted and rejected for the same reason as set forth in claim 4.

Regarding claims 19 and 22, the claims are interpreted and rejected for the same reason as set forth in claim 5.

3. Claims 6, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grey in view of Eriksson as applied to claim 5 above and further in view of Barnes Jr. (US 2005/0136949 A1 hereinafter Barnes).

Regarding claims 6 and 7, Grey in view of Eriksson as applied above does not specifically disclose wherein calculating a travel time is based on distance and road conditions and wherein the road conditions comprise real-time traffic

conditions. In an analogous art, Barnes remedies the deficiencies of Grey by disclosing that once a PI is identified (from a user request), the information is supplied to the user as directions, the closest PI, the distance and any traffic delays (Barnes: Page 15, Paragraph 0151, lines 1 – 16; Paragraph 0154, lines 1 – 17; Page 16, Paragraph 0159, lines 1 – 15; Paragraph 0156, line 1 through Paragraph 0157, line 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Barnes to the modified system of Grey in view of Eriksson in order to allow the user to judge how long it will take to arrive at the location so that the user may take actions accordingly (Barnes: Page 17, Paragraph 0169, lines 1 – 11).

Regarding claim 10, Grey in view of Eriksson as applied above discloses wherein the user request includes a particular service provider associated with the wireless network (a request for positioning and/or directing the user to one or more nearby WLAN access points; Grey: Page 4, Paragraph 0035, lines 1 – 7).

However, Grey as applied above does not specifically disclose identifying a wireless network access point further comprises identifying a wireless network access point provided by the particular service provider. In an analogous art, Barnes remedies the deficiencies of Grey in view of Eriksson by disclosing a mobile terminal selecting a communication system based on availability and cost, among other parameters (Barnes: Page 6, Paragraph 0064, line 1 through Page 7, Paragraph 0069, line 22). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to provide the technique of Barnes to the modified system of Grey in view of Eriksson in order to effectively select a service provider based on the user needs (Barnes: Page 6, Paragraph 0065, line 1 through Paragraph 0066, line 21).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1 – 7 and 9 – 22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Un C Cho  
Examiner  
Art Unit 2617

9/6/07 UC

  
DUC M. NGUYEN  
SUPERVISORY PRIMARY EXAMINER  
TECHNOLOGY CENTER 2600